

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Title: APPARATUS AND METHOD FOR DESCRIBING PLANNING, AND AUTOMATICALLY PROGRAMMING COMPLEX FINISHING TASKS	
	Inventor(s):	Donald R. Ryan, et al
	Application No.:	09/841,089
	Filing Date:	April 25, 2001
	Confirmation No.	4959
	Examiner:	Peter K. Huntsinger
Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Art Unit:	2625
	Last Office Action:	May 18, 2009

- ☒ Applicant(s) request(s) review of the final rejection in the above-identified application.
No amendments are being filed with this request.
- ☒ This request is being filed with a notice of appeal.
- ☒ The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.
- ☐ attorney or agent acting under 37 CFR 1.34.

Respectfully submitted,

Fay Sharpe LLP

Date: _____

7/15/09

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- ☒ *Total of 1 forms are submitted.

Certificate of Transmission

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

Date: July 15, 2009 Name: Barbara Brazier

Status of Subject Application

Pending in the subject application is independent claim 1 with its dependent claims 2-19; independent claim 20; and independent claim 21 with its dependent claims 22-34.

The final Office Action states that claims 1-6, 15-19, 21-24, 33, and 34 are rejected as being unpatentable over U.S. Patent No. 6,549,299 to Allen in view of U.S. Patent No. 5,129,639 to DeHority and U.S. Patent No. 6,070,000 to Mori. Claims 7, 8, 14, 25, 26, and 32 are rejected as being obvious over Allen, DeHority, and Mori as applied to claims 1 and 21 above, and further in view of U.S. Patent No. 4,674,434. The final Office Action further states that claims 9-13 and 27-31 are rejected as being unpatentable over Allen, DeHority, Mori and Hower as applied to claims 8 and 26, and further in view of U.S. Patent No. 6,639,687 to Neilson. Additionally, claim 20 is rejected as being unpatentable over Allen, and further in view of Hower and U.S. Patent Application Publication No. US 2002/0101604 to Mima. The final Office Action further rejected claim 19 as being indefinite.

Responsive to the final Office Action, Applicant conducted an Examiner Interview on July 9, 2009.

Clear Errors and/or Omissions of the Final Office Action

Applicant has identified the following clear errors and/or omissions in the final Office Action, and respectfully request that the merits of each ground of rejection be considered in view of the following remarks.

The Present Application

Briefly, the present application is directed toward an integrated and digital production and finishing system for producing and finishing work pieces of a job. The system electronically manages and controls a wide range of finishing processes characterized by input from multiple production operations and equipment that, depending on the job, may be variably applied to work pieces that themselves are highly variable between different jobs. The present invention can manage the finishing of selected media into a completed document as early as during the initial creation of document information, by providing an integrated digital architecture for interactive control tracking and integrity functions.

Independent Claim 1:

For convenience, independent claim 1 of the subject application recites:

1. An integrated and digital production and finishing system for producing and finishing work pieces of a job, comprising:

a) a production device for producing the work pieces of the job;

b) a finishing device for finishing the output of the production device, such finishing device being controlled separately from the production device and having at least one constraint;

c) **a production monitor controller that receives the at least one constraint from the finishing device and outputs job coordination and optimization information, based at least in part upon constraints of the finishing device**, wherein said production monitor controller presents a user with optimization recommendations; and

d) a finishing module coordinator that, after receiving job coordination information output from the production monitor controller, identifies each device necessary for completion of the job; determines if each needed device is available; and controls, directs and tracks the operation of the finishing device.

As highlighted above, claim 1 recites an integrated, intelligent system that can consider and communicate a particular device's constraints when coordinating job information. Applicant respectfully asserts that Allen does not disclose or fairly suggest a controller that receives at least one constraint from a finishing device and outputs job coordination and optimization information, based at least in part upon constraints of the finishing device.

The Allen Reference

Allen discloses a document finishing and printing system that includes a computer and stand alone finishing machine. The computer prompts a user for finishing instructions and then prints an instruction sheet setting forth such instructions. An operator then submits the instruction sheet to the finishing machine, which scans and configures itself to finish the document in the manner prescribed by the instruction sheet. (See abstract).

The final Office Action asserts that Allen discloses a production monitor controller that receives at least one constraint from a finishing device and outputs job coordination information based at least in part on the constraints of the finishing device. The Examiner points to computer 12 of Fig. 1, along with col. 3, lines 17-26 to support this assertion. However, the teaching of

this section relates to a computer that is “programmed to print a computer-readable instruction sheet 30 that contains finishing instructions regarding **the document or documents** that are to be assembled or finished.” Allen continues to explain that the instructions indicate various things about the tasks that are to be performed, such as location of folds, paper size, binding details, etc. Clearly, Allen’s instructions are only regarding the particular job specifications and have nothing to do with the finishing device’s capabilities and/or limitations. Allen does not teach a smart, responsive system wherein a finishing device sends constraint information to a controller, which then prepares job coordination and instructions based at least in part on these constraints.

As defined on page 18 of the current specification, a “constraint,” means a **limitation of a device based upon its design or use**. A “constraint” may be permanent or temporary, such as a piece of equipment that is unavailable due to a broken part or another job, or unavailable media. It is improper to read these features into the disclosure of Allen, particularly because Allen never mentions or even references current or potential finishing device limitations. In fact, the only other instructions Allen mentions to be included on the instruction sheet are other various information about the finishing job, such as the creator of the document sheets, the date, the recipient, and the recipient’s phone number.

Moreover, in the Examiner interview, the Examiner asserted that the instructions taught in Allen necessarily have to consider the constraints of the finishing device in order to ensure the job is completed. This assertion is incorrect, and inconsistent with what is explicitly disclosed in Allen. Allen does not teach a system that is in communication and “integrated” even though the title uses the word. In fact, Allen specifically states that the “[d]ocument finishing machine is a standalone machine, meaning that it is not under the direct control of the apparatuses (in this case computer 12 and printer 14) being used to print document sheets 20.” (col. 3, lines 3-6). Allen fails to mention any features that would indicate that the finishing machine communicates with the computer, such that the finishing device is able to give the computer status updates which the computer then takes into account when preparing the instructions. Additionally, in col. 3, lines 17-26 cited by the Examiner, Allen only discloses that the computer is programmed to print an instruction sheet. When read in light of the abstract and summary (col. 1, lines 64-66), the computer prompts the operator for finishing instructions, which indicates that the operator inputs the finishing instructions. Therefore, clearly the computer and finishing machine are not in

communication and the instructions provided by the computer are not based upon or responsive to the current device constraints transmitted to the computer by the finishing device.

Additionally, Allen fails to teach or suggest a finishing module that, after receiving job coordination information output from the production monitor controller, identifies each device necessary for completion of the job. The Examiner asserts that the control logic disclosed in Fig. 3, col. 4, lines 29-61 teaches this feature. Allen, however, only identifies a single device (finishing machine) within the system and fails to consider any additional devices. The control logic coordinates the various finishing tools and components of the finishing machine and is completely internal and specific to the finishing machine. The control logic also includes other support components such as interfaces that allow communication between the microprocessor and various other components of the finishing machine. One such support component is a barcode reader, and the control logic is designed to decode the barcode information. See col. 4, lines 54-58. Another function of the control logic includes configuration of the finishing machine to process the waiting document sheets in accordance with the instructions. The control logic is completely within the finishing machine itself. It cannot reach out to devices outside of the finishing machine to identify other devices necessary to complete a particular job and it is improper to read such a feature into the claim. As such, Allen reference does not teach or suggest at least the above-referenced features of the subject claims. Therefore, the rejection of the claims is in error.

CONCLUSION

At least for the above stated reasons, Applicants respectfully request a pre-appeal review.

Respectfully submitted,

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